

### **REMARKS**

The present Amendment amends claims 2-9 and 11 and cancels claims 1, 10, 12 and 13. Therefore, the present application has pending claims 2-9 and 11.

In paragraph 1 of the Office Action the Examiner objected to the drawings as failing to comply with 37 CFR §1.84(p)(5) as containing reference characters not mentioned in the description. Amendments were made throughout the specification to add the missing reference numerals of the drawings to the specification. Thus, now all of the reference numerals shown in the drawings are referenced in the specification. Therefore, this objection is overcome and should be withdrawn.

Claims 2-9 and 11 stand objected to under 37 CFR §1.75(c) as allegedly being improper dependent form and for failing to further limit the subject matter of a previous claims. Amendments were made to claims 2-9 and 11 so as to place these claims in independent form including all the limitations of the base claim and any intervening claims. Particularly, amendments were made to these claims so that they further limit the subject matter of the previously recited matter. Therefore, this objection is overcome and should be withdrawn.

In paragraph 12 of the Office Action the Examiner indicated that claims 2-9 and 11 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Amendments were made to claims 2-9 and 11 to place them in independent form including all the limitations of the base claim and any intervening claims. In addition, amendments were made to claims 2-9 and 11 so as to overcome the 37 CFR

§1.75(c) objection. Therefore, claims 2-9 and 11 are allowable as indicated by the Examiner.

Claims 1-11 stand rejected under 35 USC §102(b) as being anticipated by TR45 (article entitled "Data Service Options for Spread Spectrum Systems"); and claims 12 and 13 stand rejected under 35 USC §102(a) as being anticipated by Koo (article entitled "TSG –P Meeting Summary"). As indicated above, claims 1, 10, 12 and 13 were canceled. Therefore, these rejections with respect to claims 1, 10, 12 and 13 are rendered moot. Accordingly, reconsideration and withdrawal of these rejections is respectfully requested.

It is noted that apparently the Examiner considered claims 2-9 and 11 allowable over the prior art of record in accordance with paragraph 12 of the Office Action. Thus, although it appears to be some conflict in the language used in the specification, it is clear that Examiner considered the subject matter of claims 2-9 and 11 allowable over the prior art of record. Applicants refer to the comments made by the Examiner in paragraphs 12 and 13 of the Office Action. Thus, this rejection with respect to claims 2-9 and 11 is rendered moot.

It should be noted that the cancellation of claims 1, 10, 12 and 13 was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 1, 10, 12 and 13 are taught or suggested by any of the references of record particularly TR45 and Koo whether taken individually or in combination with each other as suggested by the Examiner. The cancellation of claims 1, 10, 12 and 13 was simply intended to expedite prosecution of the present application.

In view of the foregoing amendments and remarks, applicants submit that claims 2-9 and 11 are in condition for allowance. Accordingly, early allowance of claims 2-9 and 11 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (572.41312X00).

Respectfully submitted,

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